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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Fifteen States Sue Over EPA's Power Plant Mercury Rule

Posted June 24, 2016, 12:32 P.M. ET

By Andrew Childers

Fifteen states, led by Michigan, today sued the Environmental Protection Agency over its affirmation that it is appropriate to regulate toxic pollutants from power plants under its Mercury and Air Toxics Standards rule.

The lawsuit filed in the U.S. Court of Appeals for the District of Columbia Circuit challenges the EPA's April 25 supplemental finding (RIN:2060-AS76) that regulating power plants' toxic pollutants is "appropriate and necessary" under Section 112 of the Clean Air Act. The EPA's finding comes in response to a U.S. Supreme Court decision that held the agency had failed to properly consider compliance costs for utilities as part of that determination for its Mercury and Air Toxics Standards.

The states' lawsuit follows similar challenges filed by coal giant Murray Energy Corp. and ARIPPA, a trade association representing coal refuse power plants.

Flint Kids Blood Lead Levels Increased After Water Switch: CDC

Posted June 24, 2016, 11:01 A.M. ET

By Rachel Leven

Blood lead levels in young children in Flint, Mich., significantly increased after the city switched its water supply to the Flint River, a federal health agency said today.

Children under six years old drinking the water were nearly 50 percent more likely to have a blood lead concentration "of concern"--at or above 5 micrograms per deciliter of blood--following the water switch,

the Centers for Disease Control and Prevention said in its study released today. That likelihood has decreased following the October 2015 switch back to the Detroit water supply, it said.

"This crisis was entirely preventable, and a startling reminder of the critical need to eliminate all sources of lead from our children's environment," Patrick Breyse, director of the CDC's National Center for Environmental Health, said in a statement. Lead exposure for children, even at low concentrations, can affect their health, including their intelligence, ability to focus and academic achievement, the centers said.

Briefing Halted in Power Plant Carbon Rule Lawsuit

Posted June 24, 2016, 10:43 A.M. ET

By Andrew Childers

A federal court today halted briefing in challenges to the Environmental Protection Agency's carbon dioxide standards for new and modified power plants pending additional lawsuits being filed.

The U.S. Court of Appeals for the District of Columbia Circuit granted states and industry groups' request to halt the briefing schedule, which will be amended later, to allow additional lawsuits over the EPA's denial of administrative reconsideration petitions for the carbon dioxide standards (RIN:2060-AQ91) be consolidated with the current litigation. The EPA had argued the court could simply amend the briefing schedule now to avoid further delaying litigation over the rule.

Motions to amend the briefing schedule are due Aug. 4.

After Brexit, Chemical Exporters Urged to Review Contracts

Posted June 24, 2016, 3:25 P.M. ET

By Pat Rizzuto

Chemical manufacturers located outside the European Economic Area, but exporting to it, should review contractual relationships in their supply chain to determine whether they have any U.K. operations that discharge their EU regulatory obligations, a Steptoe & Johnson LLP attorney said today.

Darren Abrahams, a partner in Steptoe & Johnson's Brussels' office, discussed with Bloomberg BNA near-term actions chemical manufacturers may want to undertake in light of "Brexit," the term being used for the U.K.'s June 23 vote to leave the European Union.

The full impact of the referendum will not be known for more than two years, because it depends on exit negotiations that cannot yet begin, Abrahams said.

If the worst case scenario happens, however, and the U.K. not only exits the European Union, but also does not join the European Economic Area, companies with U.K. operations that discharge regulatory obligations may have to end contracts, arrange for new ones and take other actions to remain in compliance with the EU's chemicals and biocides regulations, Abrahams said.

EPA Should Increase Renewable Fuel Requirement, Senators Say

Posted June 24, 2016, 11:17 A.M. ET

By Ari Natter

The Environmental Protection Agency should increase the amount of ethanol and other biofuels required in the nation's motor fuel supply when it finalizes the 2017 renewable fuel standard later this year, 39 senators wrote in a letter sent today.

"We urge you to take the opportunity to get the program back on track by setting blending targets where Congress intended," lawmakers said the letter, which was led by Sens. Chuck Grassley (R-Iowa) and Amy Klobuchar (D-Minn.), and addressed to EPA Administrator Gina McCarthy.

The EPA's proposed renewable fuel standard, made public May 18, represents an increase of 700 million gallons from the 2016 standard, but it was still far below a 24 billion gallon biofuel target required in 2007 energy legislation.

Johnson Asks Smith to Cease 'Illegitimate' Oversight on Science Panel

Posted June 24, 2016, 1:39 P.M. ET

By [Anthony Adragna](#)

Requests for state attorneys general and nongovernmental organizations to turn over records concerning ongoing investigations into whether fossil fuel companies such as Exxon Mobil Corp. misled investors on climate change are "an illegitimate exercise of congressional oversight power" and should be immediately suspended, the top Democrat on the House Science, Space and Technology Committee wrote.

Never before has Chairman Lamar Smith's (R-Texas) oversight been conducted with "such an open disregard for truth, fairness, and the rule of law," Ranking Member Eddie Bernice Johnson (D-Texas) wrote in a fiery [letter](#) sent yesterday.

"Lately the Committee on Science has seemed more like a Committee on Harassment," Johnson wrote. "The Committee's prolific, aimless, and jurisdictionally questionable oversight activities have grown increasingly, mean-spirited and meaningless...We are moving into dangerous and uncharted territory."

The letter comes days after Republicans on the committee reiterated demands for documents and communications from 17 attorneys general concerning their ongoing investigations into whether fossil fuel companies, namely Exxon Mobil Corp., deceived investors by downplaying internal scientific research into the risks of climate change.

Auto Groups Seek Changes to Federal Vehicle Programs

Posted June 24, 2016, 1:50 P.M. ET

By [Anthony Adragna](#)

Two automotive trade groups are asking the National Highway Traffic Safety Administration and Environmental Protection Agency to resolve "inefficiencies" in federal fuel economy (CAFE) and light-duty vehicle greenhouse gas emissions programs.

"The actions requested are appropriate as a direct final rule because they are essentially technical amendments relating to inconsistencies, errors, or procedural issues with respect to the CAFE and GHG programs," the Alliance of Automobile Manufacturers and Association of Global Automakers wrote in a [petition](#) obtained by Bloomberg BNA today.

The changes, sought by automakers including Ford Motor Co., General Motors, Mazda, Volvo Car USA and Volkswagen Group of America, would not "impact the stringency of the standards as originally intended, nor are they contrary to the underlying analyses upon which the standards were based," the petition said.

Shell Gives Up on Arctic Offshore Lease Extensions

Posted June 24, 2016, 2:29 P.M. ET

By [Alan Kovski](#)

Royal Dutch Shell Plc has given up on its administrative appeal seeking Interior Department approval of lease extensions for offshore oil prospects in Arctic waters north of Alaska.

The Interior Board of Land Appeals dismissed Shell's case yesterday after the company decided to withdraw its appeal.

Shell was appealing a refusal by the Bureau of Safety and Environmental Enforcement to extend leases that will expire within a few years in the Beaufort and Chukchi Seas. The company already had halted all operations in the Arctic offshore.

EU Continues Impasse Over Glyphosate Reauthorization Bid

Posted June 24, 2016, 12:23 P.M. ET

By Bryce Baschuk

A European Union panel today failed to agree on whether to extend its approval for the popular herbicide glyphosate.

The "no decision" vote in Brussels adds greater uncertainty to regulatory prospects for the world's top herbicide by volume, which is used in more than 750 products related to agriculture, forestry, urban and residential landscaping.

The EU's current authorization for glyphosate is set to expire next Thursday. EU Health and Food Safety Commissioner Vytenis Andriukaitis said he plans to meet with EU officials on Monday to discuss next steps.

Glyphosate, which is sold under brand names including Roundup, is the active ingredient in pesticide products registered by many companies, including the BASF Corp., DuPont, Monsanto, FMC Corp., and Syngenta Crop Protection LLC.

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